

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AMANDA ANN BURNHAM,

Plaintiff,

-vs-

CAROLYN W. COLVIN, ACTING
COMMISSIONER OF SOCIAL SECURITY,
Defendant.

No. 1:14-CV-00235 (MAT)
DECISION AND ORDER

Represented by counsel, Amanda Ann Burnham ("plaintiff") brings this action pursuant to Titles II and XVI of the Social Security Act ("the Act"), seeking review of the final decision of the Commissioner of Social Security ("the Commissioner") denying his applications for disability insurance benefits ("DIB") and supplemental security income ("SSI"). The Court has jurisdiction over this matter pursuant to 42 U.S.C. § 405(g). The matter was initially before the Court on the parties' cross motions for judgment on the pleadings.¹ The parties' motions were referred to Magistrate Judge Michael J. Roemer for consideration of the factual and legal issues presented, and to prepare and file a Report and Recommendation ("R&R") containing a recommended disposition of the issues raised.

On August 11, 2016, Judge Roemer recommended that the Commissioner's motion be granted. One day later, plaintiff

¹ This case was originally assigned to Judge Richard Arcara, who referred it to Magistrate Judge Roemer for a Report and Recommendation, which was completed and filed on August 11, 2016. The case was referred to this Court by order dated June 1, 2017.

requested that the case be stayed pending the Second Circuit's decision in the case of Jackson v. Colvin, 2016 WL 1085412 (W.D.N.Y. 2016). On August 15, 2016, the Court (Arcara, J.) issued the stay.

On June 2, 2017, the Second Circuit issued its decision in Jackson v. Berryhill, __ F. App'x __, 2017 WL 2399459 (2d Cir. June 2, 2017). Accordingly, the stay in the instant matter is lifted.² Plaintiff is directed to file any objections to the R&R by June 19, 2017. The Commissioner shall file any response by June 26, 2017. The matter will be considered submitted for decision on June 29, 2017.

SO ORDERED.

S/Michael A. Telesca

HON. MICHAEL A. TELESKA
United States District Judge

Dated: June 6, 2017
Rochester, New York.

² The Court notes that the stay provided that it would automatically lift as of the date the Second Circuit entered the decision in Jackson. See doc. 16. Additionally, in her application for a stay, plaintiff stated that she would file objections to the R&R within 13 days of the stay being lifted. See doc. 15-1. For the convenience of the parties and the Court, however, the Court issues the scheduling order herein with regard to objections to the R&R.